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13 ***Attorneys for Plaintiffs***

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA**

16 DAVID HOUGH; *et al.* Plaintiffs, } Case No.: 2:24-cv-02886-WLH  
17 vs. } **AFFIDAVIT OF PLAINTIFFS'**  
18 RYAN CARROLL; *et al.* Defendants. } **ATTORNEY NICO BANKS**  
19 } **SUPPORTING PLAINTIFFS'**  
20 } **REPLY BRIEF RE: MOTION TO**  
21 } **HOLD JP MORGAN CHASE & CO.**  
22 } **IN CONTEMPT**

23 **AFFIDAVIT OF PLAINTIFFS' ATTORNEY NICO BANKS SUPPORTING**  
24 **PLAINTIFFS' REPLY BRIEF RE: MOTION TO HOLD JP MORGAN**  
25 **CHASE & CO. IN CONTEMPT**

26 I, Nico Banks, have personal knowledge of the matters set forth below and if called to  
27 testify, I would do so competently.  
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- 1       1. I am an attorney representing Plaintiffs in this matter.
- 2       2. An individual who identified herself as a representative of J.P. Morgan Chase's
- 3               subpoena processing department called me on July 18, 2024 and also on July
- 4               25, 2024.
- 5       3. The representative told me at the outset of the July 18 call that J.P. Morgan was
- 6               searching for and planning to produce documents responsive to the subpoena
- 7               served upon it by Plaintiffs. I believed that J.P. Morgan was opting to produce
- 8               documents—despite its previous statement that it would not do so—because
- 9               J.P. Morgan had become aware that Plaintiffs had recently filed a motion for
- 10               contempt.
- 11       4. The representative discussed with me how she was searching for bank accounts
- 12               controlled by individuals and entities described in the subpoena.
- 13       5. On the July 25 call, I told the representative that I knew JPM&C had frozen
- 14               assets held by Defendant Max O. Day's daughter, which, I said, implied that
- 15               JPM&C believed that assets in Max O. Day's daughter's bank account were
- 16               controlled by Max O. Day.
- 17       6. The representative told me that she would not be able to produce account
- 18               documents for Max O. Day's daughter's bank account. However, the
- 19               representative indicated that she still intended to search for and produce other
- 20               documents responsive to the subpoena.
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7. Exhibit A is a true and correct copy of an email thread between myself and an attorney representing J.P. Morgan Chase.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 14, 2024

/s/Nico Banks

/S/ Nico Banks

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